

**Commonwealth Distance Training Course in Legislative Drafting:
Report on the Evaluation of the Pilot Module**

by Professor K W Patchett

EVALUATION OF THE PILOT MODULE

1. INTRODUCTION

Under a scheme instituted by the Commonwealth of Learning and the Commonwealth Secretariat in 1992, the responsibility for developing a Distance Training Course in Legislative Drafting was undertaken by Professor Keith Patchett, as subject specialist, and John Hookway of TDA Consulting Group Ltd, the design consultants. A first, pilot module of the course was developed in the early months of 1993, with a view to testing the approach, contents and materials adopted by the course developers. This Report contains an account of the pilot testing and the results obtained.

Pilot testing scheme

The testing of the pilot module took place at the University of the West Indies between 5 July and 16 July 1993, with the generous co-operation of Professor Crabbe, who released 8 of his course and recruited 4 others for the purpose. The pilot was deliberately structured to replicate, as far as possible, the conditions under which distance training will normally be conducted. In consequence:

- (1) each participant was supplied with the complete pilot module materials at the outset, with only so much oral introduction as was needed to introduce the testers and to give details of the local arrangements;
- (2) each participant was, therefore, expected to ascertain from the materials provided how to work with them and generally how to approach the study of the module;
- (3) contact was maintained with the group throughout the test period, by one short formal meeting after 3 days and by occasional informal and individual meetings in the law library, where Professor Patchett was available every day; the sole purpose (which was made clear at the start) was to monitor their passage through the materials, so that adjustments could be made, if necessary, to personal timetables in order that all parts of the module would be worked upon by someone;
- (4) no work was submitted by the participants during the course of the test; they were expected, in the way the instructions indicated, to use the materials to evaluate their own progress; no external tuition was provided;
- (5) participants were left to work, by themselves, at their individual pace and as, where and when it best suited them.

The 12 participants agreed to devote the equivalent of 6 hours per day for 10 days over the pilot period of 12 days: 60 hours in total. Professor Crabbe, who selected those taking part in the pilot, generously arranged to excuse those on his course from their normal work assignments to allow them to fulfil this schedule. As an incentive, CoL agreed to pay each participant US\$4 per hour worked, up to the agreed maximum of 60 hours. Participants were asked to keep detailed timetables (on the forms provided) both for this purpose and to enable themselves to keep track of, and the course developers to evaluate, their progress.

No adjustments were in fact made to individual work programmes, as it became evident that a number would complete the whole module. Several (in the main, those without previous experience of drafting) found the work particularly demanding, and, during the test period, it could be seen that they would not finish all the module. But

they made it clear that they wanted to determine their own pace of study and to do as much as they could.

In the event, 7 of the 12 did not complete the module (3 of the 8 on Professor Crabbe's course and the 4 who were not), although all put in the stipulated time. In some instances, additional time was worked, either out of interest or in order to complete the topic in hand (although no additional payment was on offer).

Evaluation

At the end of the test period, the pilot module was evaluated and the progress of the participants assessed by -

- (1) a pre-pilot, an in-course and a post-pilot questionnaire (see Annexes 1, 2 and 3), which provided information about participants, the extent of their relevant experience, their attitudes towards distance learning before and after the testing and their evaluation of the training provided by the pilot;
- (2) a short pre-pilot test involving relatively straight-forward drafting questions, which was replicated after the pilot was completed;
- (3) submission by each participant of any 2 of their answers to the Drafting Projects they had undertaken;
- (4) a general round-up meeting at the conclusion of the pilot at which the post-pilot questionnaire was completed and their experience on the pilot was discussed with Professor Patchett.

Aims of the pilot testing

It was apparent from the early stages of designing that, if the pilot testing was to be conducted in only one location, only a very small group could be involved. It was, therefore, impractical to attempt any statistically significant method of evaluating the results. Necessarily, the results obtained reflect the subjective responses of the participants, who come from a range of jurisdictions and are of differing ability and experience; there is very little similarity between any two of the 12 participants. With such small numbers, personal characteristics, prejudices and working conditions may acquire a significance in the respect of the responses which would be ironed out in a larger evaluation. The assessments made by this group must be viewed in a broad sense only.

The pilot was designed to expose the materials and the approach decided upon by the course developers to actual use by a group which included persons with a genuine interest in acquiring skills in legislative drafting. A major aim was to determine whether trainees of the kind likely to be admitted to the course could feel comfortable with a wholly unfamiliar approach to learning and would be able, and interested, to conduct their studies in the particular ways worked out by the course developers. The pilot also provided an opportunity to acquire information about such matters as study times in relation to the topics as presented in the module, which would be relevant in determining module lengths and coverage. It did not offer any way by which this distance training can be compared with other forms of training or other possible distance learning approaches, nor of measuring the degree of success that the final course might have in inculcating new skills and knowledge.

The pilot module was made up of representative topics mainly from the middle part of a full course, rather than the first module of study. Further, it did not permit a serious demonstration of the

building block approach that the full course will embody, in particular in the incremental development of the Drafting Projects, in terms of their progressive demands and of a constant process of reinforcing earlier work.

2. PARTICIPANTS' PROFILES

(1) Number, sex, age and origin

12 persons took part in the pilot testing (8 men and 4 women). The majority are students on Professor Crabbe's current LL.M. drafting course ("drafters"); the others are recent UWI law graduates (2) or current UWI undergraduates (1 reading law; the other reading Physics) ("non-drafters"). Their origins, sex and ages (in parenthesis) are as follows:

<u>Origins</u>	Drafters		Non-drafters	
	M (age)	F (age)	M (age)	F (age)
Barbados	1 (28)	1 (48)	1 (21)	
The Gambia	1 (30)			
Jamaica	1 (30)	1 (24)	1 (30)	1 (23)
Nigeria	1 (31)			
Pakistan	1 (30)			
St Vincent			1 (22)	
Zambia		1 (31)		
	5	3	3	1

The average age of the drafters is 31; that of the non-drafters 26.

(2) Legal qualifications and experience

The table on the next page sets out the qualifications, experience and previous training in legislative drafting.

Drafters

Although all have law degrees, only 5 of the 8 are qualified lawyers (of 4 to 7 years standing). The others have recently obtained their first degree in law (one an LL.M. in International Law from Kiev). All are currently in the middle of Professor Crabbe's 12 month course, having started in November 1992.

The lawyers (5) have professional legal experience, in the main as Government lawyers, 3 having worked in drafting for between 1 and 4 years; the other 2 have no practical drafting experience. Of the 3 without professional qualifications, 2 had some public service, but no drafting, experience. The third has spent 1 year in a drafting office.

Non-drafters

2 have law degrees just obtained. The other 2 have recently completed their second year as an under-graduate, 1 as a law student and 1 in Physics (not a student of English as had been intended).

	Law Degree (with date and class, if known)	Non-law Degree (with date)	Admission as lawyer	Private sector legal experience	Public sector experience		Legislative drafting training (prior to UWI)
					Public service	Drafting service	
Drafters							
Participant 1	LLB 1987 - 2(2)		1989		3 years (Crown Counsel)		3 months 1988
Participant 2	LLB 1986	BA 1982	1986	1 year	3 years (Judge) 1 year (Ministry)		
Participant 3	LLB 1988 - 2(1)		1988		2 years (State Counsel)	2 years	5 months 1989
Participant 4	LLB 1992 - 2(2)						
Participant 5	LLM 1991	Teaching Dip 1985				1 year	
Participant 6	LLB 1985 - 2 Dip in Intern Law 1991		1986		5 years (State Counsel)	1 year	3 months 1990 2 months 1991
Participant 7	LLB 1992 - Pass	B Soc 1975			5 years (Admin officer)		
Participant 8	LLB 1985 - 3		1986	1 year		4 years	5 months 1989
Non-Drafters							
Participant 9	undergraduate 2 years				4 months (Court clerk)		
Participant 10	LLB 1993						
Participant 11	LLB 1993	BA 1989					
Participant 12	undergraduate 2 years						

(3) Drafting training

Drafters

4 of this group have received earlier training in legislative drafting, including one on the UWI course 5 years ago. These, and one other, have also received some general training in legal writing as part of their professional training.

Non-drafters

None has received any form of training in drafting of any kind.

(4) Distance training

None of the participants has received any form of distance training, nor had any direct experience of what might be involved.

(5) Languages

All have English as their first (8) or fluent second (4) language. The latter group had a non-European first language (Urdu, Fulani, Bemba, Efik) and usually some competence in other languages (eg, Arabic, French or a second indigenous language). Most of those with English as their first language (a group that includes all the non-drafters) had no competence in another; but one had French and Spanish and another Russian.

(6) Career intentions

Drafters

As might be expected, all stated that they were committed to careers in legislative drafting. Participation in the pilot did not affect their intentions. Before the pilot all believed that they would make good legislative drafters; after it, one was less certain.

Non-drafters

Before the pilot, no one intended to become a drafter. After it, 2 stated that they were now "uncertain"; one of these stated orally that this was a possibility that he would now seriously consider. Before the pilot, 3 were quite uncertain whether they could become good drafters; 1 was confident in that respect. After it, 2 were sure that they could be good drafters; 1 (the non-law student) was sure that he could not.

3. PARTICIPANTS' ATTITUDES AND KNOWLEDGE

(1) Attitudes towards drafting

Drafters

All 8 saw legislative drafting in very positive terms, as intellectually challenging and broadening, socially important and calling for wide-ranging legal knowledge. Its practice was said by all to be satisfying in its own right, even though it does not receive its due recognition from other lawyers and the general public. These views, particularly the latter, were reiterated in the post-pilot questionnaire.

Non-drafters

Views were more mixed before the pilot. All saw this as necessary work, and for one intellectually stimulating work; but there was a tendency to represent it as abstract, dull and boring. Similarly its practice was perceived by 2 as important, but it was represented as "grey and bureaucratic" or as a job for those "going places" in public legal service. After the pilot, all were rather more positive, stating their greater awareness of its central role in law-making and that it was interesting and worthwhile, but all emphasised the complexity and demanding nature of the work.

(2) Attitudes towards study

Drafters

The preponderance put forward seminars as their preferred form of study, though some favoured lectures with working on one's own, writing essays and a degree of personal supervision.

Non-drafters

Most put lectures first, followed by working from texts and materials. None selected seminar teaching (which they may not have experienced).

(3) Attitudes towards distance learning

Drafters

Before the pilot, almost all expressed concern about the absence of contact with a teacher able to respond to their work. There was a recognition of the demands that this form of training makes upon the trainee and some fear that it might extend the training time. After the pilot, all accepted that distance training was feasible, but they emphasised the need for a positive attitude in the trainees. Several repeated that a supervisor was desirable, since learning without opportunity for discussion was tough and less productive.

Their pre-pilot perception of a distance training course was of a regular two-way correspondence and interaction with a distant supervisor, working with detailed materials and on frequent assignments. After the pilot, most of the group felt that the pilot matched or surpassed their expectations of a distance training course. One was surprised by the ease with which the subject could be elicited; another felt that the approach was well coordinated and thought out, usefully building on existing legal knowledge. However, one expressed disappointment that the course resembled a correspondence course, making no provision for training links via satellite of the kind being pioneered by UWI.

Before the pilot, most felt that this could be a feasible method of studying the basics of the subject, though some scepticism was also expressed. This view was stated more positively in the evaluation; the scepticism had largely disappeared. But one thought that it would work best for someone who already has had some exposure to the subject; 2 others re-emphasised the benefits which would accrue from building in arrangements for immediate support from a supervisor. Another emphasised that the present module would need to be preceded by some training in the basics of legislative writing.

Non-drafters

As might be expected, before the pilot, there was considerable uncertainty, as this group knew little about the nature of legislative drafting generally. Some scepticism was again expressed about this form of training, but it was not discounted as a training method. In fact, all felt that teaching the basics should be feasible if sound materials were provided. The matter of regular links with a supervisor was not raised.

After the pilot, this group felt that the approach used offered a feasible and workable way (in one case, an interesting and enjoyable way) of learning the basics, though it would involve harder work than in the classroom. One participant emphasised the need, in his view, for supporting textbook materials.

They repeated that they had had few informed expectations; but they found no difficulties in the use of this form of distance training for legislative drafting. But the language used in the pilot might, it was said, be simplified. At the same time, for the course to be practicable, participants must have good English and a sound legal back-ground (and preferably should not be newcomers to drafting). By preference, some supervisor support should be provided.

(4) Current knowledge

Drafters

All have studied legislation and its interpretation, primarily in their current programme. They assessed their competence as:

	Very good		good		fair		poor	
	Pre	Post	Pre	Post	Pre	Post	Pre	Post
	1	1	3	5	2	2		
form, structure and application of legislation								
statutory interpretation	1	2	4	4	1	2		

Note: not all the pre-pilot questionnaires contained responses on this matter.

The extent to which they have previously worked with legislation was stated to be as follows:

A great deal	Regularly	Occasionally	Rarely	Not at all
1	4	2		1

The numbers of those who have had some previous experience of drafting particular types of instrument is as follows:

	whole part		in course of employ- ment	as part of training	alone	super- vised
A Bill	5	3	4	8	5	4
Any regulations or rules	6	3	4	7	5	4
Any other statutory instrument	5	3	4	5	5	3
A Government order	3	3	4	3	4	2

The numbers who had studied the subjects in the pilot module, and their assessment of their knowledge of those subjects are as follows:

knowledge	very good		good		fair		poor	
	Pre	Post	Pre	Post	Pre	Post	Pre	Post
your local Interpret- ation Act	3	2	3	5	2	1		
the drafting of preliminary provisions for a Bill	2	1	3	5	2	2		
the drafting of final provisions for a Bill	1	1	4	4	2	3		

Each participant in this group assessed his or her present knowledge of, and capacity in, legislative drafting to be the same both before and after the pilot, as follows:

	very good	good	fair	poor	none
Present knowledge of legislative drafting	1	4	3		
Present capacity to draft legislation	1	3	4		

Non-drafters

As is to be expected, none in this group had very much relevant knowledge before the pilot. One claimed a fair knowledge of statutory interpretation; another to have used legislation a great deal, yet another to have used it regularly. None had done any drafting or had previously studied the specific pilot topics. All stated that their knowledge of the subject and their capacity in drafting legislation was "none".

On completion of the pilot, this group responded to these questions with the following assessments:

	Very good	good	fair	poor
form, structure and application of legislation	Post	Post	Post	Post
		2	1	1
statutory interpretation		2	1	1

Post-pilot	knowledge			
	very good	good	fair	poor
your local Interpretation Act	1		2	1
the drafting of preliminary provisions for a Bill		1	2	1
the drafting of final provisions for a Bill			1	1

post-pilot	very good	good	fair	poor	none
Present knowledge of legislative drafting			1	3	
Present capacity to draft legislation			1	3	

4. PRE- AND POST-PILOT DRAFTING TESTS

Each of the participants was asked to answer 5 short questions on drafting matters both before and after studying the pilot module. Both tests were done independently and without recourse to any materials. The principal purpose was to discover whether improvement could be seen which might be attributable to the study. Any judgment on this must be subjective, especially as the tests may not have received the attention required. They were included as part of the questionnaires and may not have been given the necessary time and concentration. As some answers were not fully in point, it is also possible that the requirements of the questions may not have been drawn clearly enough nor their importance in the pilot testing sufficiently emphasised.

Drafters

None of this group produced completely satisfactory answers to all the questions either before or after the pilot; participants seem to have been content to give rather quick-fire answers. It might have been expected that the post-pilot answers would reflect the way in which some of the points had been dealt with in the pilot module; but there was not very much evidence of this. Indeed, the responses

of two respondents in their post-pilot tests were almost identical with those in their pre-pilot tests (including the same weaknesses). The remainder certainly showed some improvement, though in one or two cases this was marginal; but even these repeated or failed to eradicate all their earlier short-comings.

Non-drafters

Not surprisingly, the pre-pilot answers from this group were uninformed and contained many defects; few satisfactory answers were offered. The post-pilot answers were, overall, rather better in these respects. Certain questions touching on matters in the later Parts of the pilot module were not attempted in the post-pilot test by those who had not reached the relevant point in their study, although they had offered some answer in their pre-pilot tests. This may suggest a greater awareness that some specialist knowledge was called for, which they had not yet acquired.

Nonetheless, though there were flaws in the post-pilot replies, their work on this occasion was closer in quality to that of the drafters. There were, then, some indications that the participants had learned some basic matters from their study of the pilot.

Overall

It is difficult to draw clear or dependable conclusions from this evidence. It cannot be claimed that, following study of the pilot module, marked improvements were shown across the whole group. Some of the recurring shortcomings may have occurred for intellectual reasons, rather than from want of know-how, or from the circumstances of the testing. But it was not an unreasonable hope that, if the course had made a significant impact, the post-pilot tests would have reached a somewhat higher standard in comparison with the pre-pilot test, at least in the case of the drafters. On the other hand, the improved grasp shown by the non-drafters may be taken as some positive indicator that in two weeks they had gained new knowledge. It is, of course, impossible to establish whether other methods of learning or a different distance approach might have been more successful.

5. DRAFTING PROJECTS

Each of the participants was asked, mid-way through their study time, to submit at its conclusion any two of their drafts, of their choice, on the Drafting Projects. The work submitted was as follows:

	Drafters	Non-drafters
Project 1 (correction of drafting errors)	5	4
Project 2 (Interpretation Act application)	4	4
Project 3 (analysis of "harmful waste")	3	
Project 4 (re-draft of "harmful waste")		1

Project 5 (Captive Animals Bill)	3	
Project 6 (Methylated Spirit Bill)	1	

Note: Not all the Projects were completed by all the participants; one non-drafter submitted 3 drafts.

The participants did not indicate whether their submitted drafts had been written before or after they had considered the suggested answers. In the round-up meeting, all stressed that they had not looked at those answers when producing their first drafts. Internal evidence suggests that the drafts submitted were those first drafts.

Drafters

Overall, the work done on these Projects was to a good standard. It is, of course, impossible to ascertain whether these results were achieved entirely through their earlier training and experience or whether, and to what extent, their study of the pilot contributed. There were, however, surprising deficiencies in a number of the answers to Drafting Project 1 (which most regarded as without difficulty). These suggested that the issues had not been carefully analysed nor scrutinised. Generally the drafts on Projects 2 and 3 were on the right lines, though similar shortcomings were evident. The few who undertook Projects 5 and 6 also produced sensible first drafts, which began to come to terms with most of the matters calling for attention. All would have benefited from revision.

In so far as the pilot tested the Projects as useful training exercises, it appears that they worked well for their intended purpose and will be suitable for the middle stages in the full course.

Non-drafters

As might be expected, this group restricted itself to the first two Drafting projects, except for one participant who offered a draft to Project 4, in addition to those. It is not unreasonable that the later Projects presented problems for this group, which has received no training in legislative expression and syntax, and most of whom did not reach the later Sections of the pilot module.

Within the limited range of the Projects undertaken, their work in overall terms was promising. The drafting style was in most cases poor but the issues were analysed and dealt with quite well. Few of the flaws found in the drafters' work on Project 1 occurred here.

Again, it seems fair to conclude that these early Projects are of a kind that can be used in the early stages of the full course.

6. PARTICIPANTS' EVALUATION

(1) Course work

The next table shows the point reached by each of the participants in their study of the course materials.

	PART I			PART II				PART III			
	1	2	Pr	1	2	3	Pr	1	2	3	Pr
Drafters											
Participant 1											
Participant 2											
Participant 3											
Participant 4											
Participant 5											
Participant 6											
Participant 7											
Participant 8											
Non-drafters											
Participant 9											
Participant 10											
Participant 11											
Participant 12											

Drafters

All but one the drafters reached the end of the Course Book; one did not complete Section 3 of the last Part. 3 were unable to complete the last Drafting Project fully, and one of these did not finish Drafting Project 5 too. Want of time and the increasing demands of the later projects were the explanations given.

Non-drafters

None in this group completed the pilot. The main casualties were Part III and the last two Drafting Projects, again for lack of time. One law-student reached and completed Section 2 in Part II, largely for domestic reasons which he said interfered with his ability to concentrate on the work for reasonable periods. The non-law student, hardly surprisingly, reached no farther than Section 1 of Part II, which he explained by his lack of legal knowledge.

(2) Overall assessment

Participants were invited to assess the effectiveness of the programme both in the final questionnaire and in relation to the individual sections as these were completed, using a scale of 1(excellent), 2(good), 3(adequate), 4(good in parts) and 5(poor).

Full course

Drafters

Achievement of stated objectives overall					Ease of use					Topic coverage					Aid to learning drafting skills and techniques					Overall interest				
1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
2	6				1	4	3			3	3	1	1		3	3	1	1		4	4			

scale: 1(just right), 2(too much/many) and 3(too little/few)

Non-drafters

Achievement of stated objectives overall					Ease of use					Topic coverage					Aid to learning drafting skills and techniques					Overall interest				
1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
	2	1	1			1	2	1		1	1	1	1			3			1	1	2		1	

Note: The lowest grades were given by the non-law student.

Individual sections of the course

Drafters

Section	Achievement of objectives (as stated in the Preview pages)					Ease of use					Topic coverage					Aid to learning drafting skills and techniques				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
PART I Section 1 (Interpretation)	2	5	1				4	2	2		3	3	2			2	3	3		
Section 2 (Interpretation Act)	5	3				3	2	3			6	1	1			5	1	2		
PART II Section 1 (Preliminary provisions)	4	4				1	4	3			3	4	1			2	4	2		
Section 2 (Interpretation provisions)	5	3				1	4	2	1		4	3	1			4	3	1		
Section 3 (Application provisions)	5	3				1	5	2			3	4	1			4	3	1		
PART III Section 1 (Final provisions)	4	4				2	2	4			3	4	1			2	3	2		
Section 2 (Repeals)	3	4	1			1	2	4			3	3	1	1		2	3	3		
Section 3 (Retrospective provisions)	4	4				3	3	2			4	2	1			5	2	1		

Non-drafters

Section	Achievement of objectives (as stated in the Preview pages)					Ease of use					Topic coverage					Aid to learning drafting skills and techniques				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
PART I Section 1 (Interpretation)	1	2	1			2			2		3	2				1	2		1	
Section 2 (Interpretation Act)		3		1		1	1		2		1	2	1			2	1		1	
PART II Section 1 (Preliminary provisions)	1	2				2	1					3				1	2			
Section 2 (Interpretation provisions)	1	1	1			2			1		2	1				1	1	1		
Section 3 (Application provisions)	2					2					2					2				
PART III Section 1 (Final provisions)		1						1					1				1			
Section 2 (Repeals)		1				1						1					1			
Section 3 (Retrospective provisions)		1				1						1				1				

Note: This part of the questionnaire was not completed to the point which some of the participants reached according to their personal time-tables.

(3) Course Book

Participants were asked whether any sections of the Course Book were more or less useful than others. No adverse comments were registered by either group. On the contrary, several stated explicitly that they had found all parts of value. But both in the questionnaire replies and in the round-up discussions favourable reference was made to Part I, Section 2, on using Interpretation legislation, which all recognised as central to all their work.

Reference was also made by the drafters to ideas with which they were not familiar (eg, purpose clauses, road-maps, etc). One non-drafter preferred Parts II and III because they were "more practical"; she specifically liked the linking and inter-dependence of the materials in these Parts.

They were asked also to evaluate specific features of the Course, both overall, at the end of the pilot and of the individual sections as they were completed, using a scale of 1(just right), 2(too much/many) and 3(too little/few).

Full course

Drafters

Complexity of subject	Length of Sections			Example Boxes			Activity Boxes			Exercise Boxes				
				Number			Frequency			Number			Frequency	
1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
8			7	1		8			1	7	1	6	1	1

scale: 1(just right), 2(too much/many) and 3(too little/few)

Non-drafters

Complexity of subject	Length of sections			Example Boxes			Activity Boxes			Exercise Boxes		
				Number	Frequency		Number	Frequency	Number	Frequency		
1	2	3	1	2	3	1	2	3	1	2	3	
3	1		3	1			2	2	4		4	

scale: 1(just right), 2(too much/many) and 3(too little/few)

Individual sections of the course

Section-by-Section evaluation by the non-drafters was not done as satisfactorily as might have been wished. Obviously those who did not complete the course could not comment upon the later Sections, but some of the earlier ones, which were undertaken, did not receive assessment from all. This clearly reduces the value of this set of returns. The Tables on following two pages contain the results of these evaluations.

Drafters

Section	Complexity of topic			Length of section			Example Boxes			Activity Boxes			Exercise Boxes		
	1	2	3	1	2	3	Number	Frequency	Number	Frequency	Number	Frequency	Number	Frequency	Number
PART I Section 1 (Interpret- action)	8			8			6	2		5	2	2	1	7	1
Section 2 (Interpret- action Act)	8			4	3	1	6	2		5	2	1	7	7	1
PART II Section 1 (Prelim. provisions)	8			7	1		8			7	1	7	6	6	2
Section 2 (Interpret- action provisions)	8			8			8			7	1	6	6	6	2
Section 3 (Applicat- ion)	8			8			8			6	2	5	6	6	2
PART III Section 1 (Final provisions)	7		1	7		1	7	1		5		3	7	6	2
Section 2 (Repeals)	6		2	6			6	2		6		2	6	5	3
Section 3 (Retrospec- tive provisions)	7		1	8			7	1		5	3	5	7	7	1

scale: 1(just right), 2(too much/many) and 3(too little/few)

Non-drafters

Section	Complexity of topic			Length of section			Example Boxes			Activity Boxes			Exercise Boxes		
	1	2	3	1	2	3	1	2	3	1	2	3	1	2	3
PART I Section 1 (Interpret-action)	2	2		2			3			3			1		3
Section 2 (Interpret-action Act)	1	2		1	2		3			1	2		2	2	1
PART II Section 1 (Prelim. provisions)	2				2		2			1	1		2	2	
Section 2 (Interpret-action provisions)	2	1		2			3			2		1	2	2	1
Section 3 (Application)	2			2			2			2			2	2	
PART III Section 1 (Final provisions)	1				2		1					1	1	1	
Section 2 (Repeals)	1				1		1					3	1	1	
Section 3 (Retrospective provisions)	1					1	1					1	1	1	

scale: 1(just right), 2(too much/many) and 3(too little/few)

(4) System of Boxes

The participants were also asked to assess the extent to which the use of the Boxes in the Course and Work Books achieved their objectives. These were stated to be :

Example Boxes: to illustrate significant drafting points or specific difficulties that drafters need to recognise and overcome;

Activity Boxes: to encourage you to find out about particular drafting practices in your own jurisdiction;

Exercise Boxes: to enable you to test your new knowledge and to practise particular drafting techniques.

The following assessments were provided, using the scale of 1(very successful), 2(successful) and 3(not successful):

	<u>Drafters</u>			<u>Non-drafters</u>		
	1	2	3	1	2	3
Example Boxes	6	2		1	2	
Activity Boxes	6	2			3	1
Exercise Boxes	6	2		2	1	1

To the question whether the system of Boxes in the pilot made learning easier or harder, all the drafters and the majority of the non-drafters reported that they found the learning was made easier. One commented, however, that they did not provide the trainee with any opportunity to give reasons or to make his or her own analysis.

Among the non-drafters, the non-law student indicated that the Activity and Exercise Boxes made his task harder. One of this group also recorded that the Activity Boxes in Part I made his work rather harder.

(5) Materials

All but the non-law student claimed to have had access to their own legislation when undertaking the various activities. (The Law Library of the University of the West Indies has a wide-ranging collection). At the same time, none of the drafters collected any legislative material for inclusion in their Workbook, as envisaged in the Course and recommended in the Workbook. Curiously, the non-drafters, including the non-law student, gathered a small quantity of this material, usually the local Interpretation Act or in one case the local Constitution. It is probable that the drafters already had such material for the purposes of Professor Crabbe's course.

In answer to questions about the utility of the documents provided, participants generally found these useful, particularly so in the

case of the Model Interpretation Act. They evaluated these materials as follows, using a scale of 1(very helpful), 2(helpful) and 3(not helpful):

	<u>Drafters</u>			<u>Non-drafters</u>		
	1	2	3	1	2	3
Document 1 (Wilson article)	3	3	1	2		2
Document 2 (Driedger article)	6	1			2	1
Document 3 (Model Interpretation Act)	8			3		1
Documents 4-13 (legislative precedents)	4	3			3	1

There was general support for the provision of additional materials of the kinds supplied, particularly from the drafters. Only one thought that enough had been included: the non-law student felt that there was too much if the course were to be used by members of the general public.

Particular suggestions were invited; these favoured more articles, especially by Driedger, and a wider selection of legislative precedents. Also mentioned were selected judgments (eg, *Pepper v. Hart*, which is referred to in the Course) and extracts from appropriate textbooks. The value of text book support was mentioned in several responses.

(6) Drafting Projects

Participants were asked, at the end of various sections of the Course, to undertake 6 Drafting Projects. These were of increasing length and difficulty as the course proceeded. The group was asked to evaluate their difficulty, using a scale of 1(too difficult), 2(demanding), 3(straight-forward), and 4(easy).

	<u>Drafters</u>				<u>Non-drafters</u>			
	1	2	3	4	1	2	3	4
Project 1 (correction of drafting errors)			7	1			2	1
Project 2 (Interpretation Act application)		2	5	1			2	1
Project 3 (analysis of "harmful waste")		5	2	1		3		

Project 4 (re-draft of "harmful waste")		5	3			1		1
Project 5 (Captive Animals Bill)		5	2	1		1		1
Project 6 (Methylated Spirit Bill)	3	2	1		1			

Note: Not all the Projects were completed by all the participants.

When asked to indicate which of the Drafting Projects had resulted in satisfactory drafts, in the main the earlier, less demanding Projects were identified. Two of the drafters felt that they had done satisfactory work on Project 5 and only one on Project 6. All insisted, both in their questionnaires and in the round-up meeting, that this had been achieved without resort to the suggested answers. There was no indication that further attempts were made to revise any of the Project drafts which proved to be less satisfactory, **after** the suggested answers and comments had been studied, as recommended in the Workbook.

The group was asked to evaluate the devices provided to enable them to assess their performance in relation to the Drafting Projects, using a scale of 1(very helpful), 2(helpful) and 3(not helpful).

Drafters

Non-drafters

	1	2	3	1	2	3
Introductory audio-advice	5	3			4	
Audio-comments with the Suggested Answers	5	3		1	2	1
Notes to the Suggested Answers	5	3		2	1	1

The substantial majority of both drafters and non-drafters stated that they had received enough support for the Drafting Projects to enable the work to be undertaken independently. Although no one expressed a contrary opinion, two of the group suggested that the instructions might be improved (without explaining how) and one that more detail and explanation would have enhanced the comments. Two repeated their belief that support from a consultant for their work was to be preferred.

Specific suggestions were invited for making independent work more effective. The following were offered:

1. more precise instructions;
2. slower progress from straight-forward drafts to more complex tasks (though the special circumstances of the pilot were acknowledged);
3. more use of audio support;

4. provision of "names of resource materials used" (this was not amplified);
5. dispense with suggested answers (no reasons were offered).

(7) General comments

The questionnaire contained 3 questions designed to elicit general comments about the course and suggestions for changes and improvements. Some of the responses were premised upon a misconception about the pilot module. It was taken by some to be the module that would begin the Course, although the Workbook had explained (perhaps insufficiently) that the pilot was drawn from various parts of the programme and was not intended to be the first module. In consequence, some of the comments were misplaced, such as that the course should not begin in such an intensive way and that there should be a basic introduction to legislative composition and syntax (both of which are planned). Similarly the comments of the non-law student were not always directly in point. He saw himself as representing non-lawyers and stated strongly that there would need to be a great deal more explanation of the legal background if members of the public were to take the course (which, as the Workbook indicates, is not planned).

(a) overall comments

In other respects, however, the comments were valuable and positively supportive to this initiative. Such remarks were made as, "the content is excellent"; "the programme will work well if it follows these lines"; "it is well organised, flows well and has regular break points where one could take a rest or feel as if they had accomplished something"; "a student would not feel at all as if he is 'on his own'".

But concern was expressed that it might prove less easy for those without previous exposure to drafting; several repeated their feeling that some supervision might prove to be needed for this group. One of these, whilst stating a preference for face-to-face instruction, felt that the course would usefully meet the needs of those who are not in a position to receive that form of training.

(b) comments on format

Several took the view that little change needed to be made in the present format. The principal suggestion for change concerned the use of a Course Book and a Workbook. A number suggested amalgamating all the material into a single volume to eliminate, as one put it "jumping around from one section to another". Alternatively, the exercises and activities could be combined and put at the end of each section, with the answers in the Workbook.

One non-drafter questioned whether the "point-by-point" instruction by itself would be as effective as asking the trainee to read in addition textbook matter to reinforce the course material. He felt that the present format had given him only the "skeleton".

(c) detailed proposals

1. instructions should be "more clearly placed" and "more adequate" (though it was not made clear whether any particular instructions were in mind);

2. questions asked (presumably in the Exercise Boxes) should be written "more simply and directly" and "without grammatical errors", as in some cases "what was required was not immediately apparent";
3. "less cross-references as regards the order in which the questions are formulated", as this may confuse the inexperienced (again, the exact application of this comment is not explained);
4. "the Workbook should be enlarged to allow the trainee to raise more issues and formulate the answers in accordance with those issues";
5. some case-law on interpretation should be provided and knowledge of it tested;
6. "some Sections are too long" (though these were not identified); more detail should be added to some Sections (these are not specified);
7. the ability to conduct research should be tested;
8. more reading, by reference to a designated text, should be provided for and emphasised in the general instructions;
9. the use of audio-materials could usefully be extended to support the course content, as well as the exercises;
10. some indication should be given in the Introduction as whether a certificate or diploma will be awarded.

7. CONCLUSIONS AND QUESTIONS OUTSTANDING

In general terms, the pilot testing appears to have been a success, both as an effective and productive test, but more importantly in endorsing the pilot module and the underlying training approach and in providing information which will help its improvement. It is noteworthy, and significant, that the participants coped immediately and well with a form of training of which none had any previous experience.

It seems fair to conclude from the experience and responses of the pilot group that this method of distance training, in its essentials, is practicable, will be acceptable to trainees and has a good chance of producing reasonable results in providing training in the basics of legislative drafting. The overall scheme of the programme, the methodology followed and the kinds of materials provided (both written and audio) appear to be appropriate and effective for their intended purposes.

At the same time the evaluation raises a number of questions that the course developers, in particular, need to consider.

(1) length of modules

The pilot module appears to have been too long both in terms of material and length of study time. On the planning assumptions of 6 modules of approximately equal length to be studied over 12 weeks of full time study (in which there are some 360 to 400 study hours), it should be possible to complete a module in 2 weeks comprising 60 hours of study. Those on the pilot who already had some experience and training in drafting found it difficult, in some cases impossible, to complete the pilot module in that time. It must then be

expected that those who come to the course without that background would have greater time problems. This is borne out by the responses of the non-drafters. Although they were generally somewhat less legally experienced than the intended target group, most were a good way from completing the course.

Account must also be taken of the fact that participants did not carry out certain of the Activities concerned with gathering local materials and practice.

It may be concluded that the size of the pilot module was in excess of the one-sixth of the course as envisaged for a module by the Planning Group, even if the contents may have comprised no more than one-sixth of their proposed syllabus.

Questions

1. Are any parts of the pilot module superfluous or unnecessarily long ?
2. Can the topics covered in the pilot material be treated more shortly without diminishing the effectiveness of the treatment?

Participants in the pilot were inclined to think not; if anything, the group felt that additional matter, eg, in the form of Exercise and Activity Boxes, was desirable.

3. If, in terms of the agreed curriculum, the material in the pilot module represents more than one module, as seems the case, what proportion of the 6 modules does it represent (eg: $1\frac{1}{2}$ modules) ?
4. In terms of study time, does the pilot support the planning assumption that trainees can complete a module in 60 study hours ?
5. Given the extent of the material required to cover the topics in the pilot and the experience about study time, should the syllabus be re-examined with a view to reducing its coverage or dealing with some other matters more shortly and therefore differently ? If so, which ?

(2) Difficulty of the course

The responses do not suggest that overall the participants found the subjects dealt with in the pilot too difficult. But concern was expressed by them that new-comers might have greater problems than the test group. But it needs to be emphasised that the pilot group was plunged into what will be the middle of the course, without the benefit of systematically laid foundations of the kind planned for the full course. When trainees reach this point they will be familiar both with the essentials of legislative expression and syntax and with the approach used in the course (with which the testers had to come to terms). Experience on training courses suggests that more demanding matters can be assimilated if the ground work has been adequately prepared. Nonetheless, these comments too may indicate that more time may be needed for this material, rather than any attempt made to remove any of the complexities of the subject.

Questions

1. As evidenced by the pilot material, does the course ask too much of trainees who will have relatively little exposure to the subject before starting the course ?

2. If this is treated as a representative module, should more time be allowed for the study of the modules ? If so what are the implications for the syllabus coverage ?

(3) Independent study and external support

The group concluded from their experience on the course that independent study of legislative drafting is feasible, if the kind of materials and support used in the pilot is provided throughout (with some suggested improvements). They also seem to have accepted that their own assessment of their work is practicable and can be effective, at least for some of the less demanding of their drafts.

At the same time, the responses showed a preference for working with local support from a supervisor and for external comments and guidance on their drafts. On the evidence of their work, it is hard not to conclude that comments from an experienced trainer in drafting would be of value to the trainees in focusing their efforts on matters that require attention. In most cases, for example, their Drafting Projects fell short in terms of analysis and scrutiny, features that an external moderator can be expected to emphasise.

Questions

1. On the evidence of the pilot, should the course be written on the assumption that trainees will not have local supervision for their general study ?
2. Are there any changes that need to be made to the course work, in the form taken by the pilot module, to make independent study more practicable ?
3. At the same time, if such support can be provided, should this be encouraged ?
4. If so, what support needs to be offered to the supervisors ? Will they need some materials over and above those provided for the trainees ?
5. Should the comments and suggested answers for the Drafting Projects be made available to the supervisors, instead of to the trainees ?
6. Is it safe to proceed on the assumption that trainees, if need be, can be relied upon to self-assess many of their own drafts ?
7. What proportion of these Projects should be looked at and commented upon by an external supervisor somewhere ?
8. Should there be guidelines on the frequency and level of difficulty of Drafting Projects that go for external evaluation ?

(4) Course structure and format

The general assessment by the pilot group of the course structure and format, as represented by the pilot module, is favourable. They appear to have been happy with the device of boxes for illustrating, testing and applying the matters explained in the Course Book, though more of these were commonly suggested.

The main reservations related to the provision of both a Course Book and a Workbook, which necessitated recourse at frequent intervals to two sets of materials (or three, where answers had to be checked). Various suggestions were made for incorporating, or amalgamating, material from the Workbook with that in the Course

Book, though the implications for these in respect of the whole course, which will contain a further five modules, were not considered.

Questions

1. Should any of the material in the Workbook be placed instead in the Course Book ? If so, which ?
2. Should each module be self-contained, so that the related Boxes (other than the Answer Boxes) are combined with the explanatory material in that module ?
3. Should these Boxes be placed at the end of a Section in a module, when presumably they would be worked on, rather than integrated into the text of the Course Book ?
4. Should the distinction between Activity Boxes and Exercise Boxes be abandoned ?
5. Should the frequency of the Boxes be increased as generally favoured (given that that will increase the study time) ?

(5) Drafting Projects

The six Drafting Projects may be taken as representative of the kinds of exercises that are envisaged for the early and middle parts of the course. The group was probably asked to undertake some work that was rather more demanding than should be expected at a first effort on a course of this kind. Overall, they coped reasonably well.

The aim for the full course is to build and extend the drafting projects gradually throughout the programme. They would become more demanding as the course proceeds, but would cover also matter already studied in earlier modules, by way of reinforcement.

Questions

1. Is the number of Drafting Projects adopted for the pilot module the right number, or too many, for each of the modules (in that it makes a total of 36) ?
2. Should this number of the shorter Projects be confined to the earlier modules, and a smaller, and decreasing number, covering more ground, be used in each of the later modules ?
3. Are the kinds of Drafting Projects used in the pilot suitable for use with the materials to which they relate ?
4. Are the support materials provided with respect to the Suggested Drafts adequate ?
5. Should audio-materials be used more or less frequently ?
6. Where trainees are asked to self-assess, should Suggested Answers be dispensed with, as some suggested ?

(6) Course materials

The evaluation was generally supportive of the kinds of materials provided (both printed and audio). The suggestion was commonly made that additional materials of these kinds would be useful. The use of a textbook and the extended use of audio-materials were also recommended.

Questions

1. Is there a case for providing additional materials (ie, a larger number and a wider range than used in the pilot) ?
2. Should materials provided be limited to those that are actually drawn upon or need to be studied closely for the purposes of the course, rather than general reference or precedent material that may have future reference value ?
3. Should a course textbook be designated ?
4. Would it be useful to select one which may obviate the need to include similar material in the Course Book ?
5. Is Vincent Crabbe's new text appears the one best suited for this purpose ?
6. Should audio-materials be used in connection with the course text, as well as in relation to the Drafting Projects ?

(7) Generally

It is clear from the comments of the participants that some presentational matters need attention (eg, the way questions are asked and instructions given; simplification of writing). Arrangements have been made by CoL that will enable the text both of the pilot and future modules to be read and commented upon by an experienced drafter to eliminate infelicities and generally to improve the style and content. There are grounds for thinking that Part I, Section 1 (on interpretation), which was the first to be written, is the least satisfactory in this respect. At the same time, the responses of the pilot group suggest that overall the text is soundly written and accessible.

APPENDIX I

**COMMONWEALTH DISTANCE TRAINING COURSE IN
LEGISLATIVE DRAFTING**

PRE-PILOT QUESTIONNAIRE

**Please complete this Questionnaire before you
start on the Pilot Module.**

Your answers will enable us, at the end of the piloting, to assess the effectiveness of the Course. To do that, we need to have some information about -

- your professional background;
- your legal experience;
- your present knowledge of legislative drafting.

We are also asking some questions that will help us -

- to compare your perceptions and reactions to this approach to training;
- to assess the progress you make as a result of working on the Pilot Module.

**PART I
PERSONAL PROFILE**

1. Name:

2. Age:

3. Sex:

4. Nationality:

5. Home country:

6. First Language:

7. Other
languages
that you -

very well

easily

with
difficulty

speak

write

read

8. Present
post

post

where

how long

--	--	--

9. Degrees or
diplomas

class

date

university/
college

--	--	--	--

10. Professional
qualifications

date

awarding institution

--	--	--

LEGAL EXPERIENCE

11. Professional legal posts before the present **where** **year**

--	--	--

12. Kinds of legal practice undertaken **public or private sector ?** **year**

--	--	--

13. Have you any experience of - **Y/N** **in what capacity ?** **year**

drafting legal documents

legislative drafting

14. Have you had any training in - **type^{1.}** **where** **year** **how long**

drafting legal documents

legislative drafting

^{1.} course; part/course; in-service, etc.

DISTANCE TRAINING EXPERIENCE

15. Give details of any distance training course¹ you have taken:

¹.
eg, correspondence course

PART II PERSONAL PERCEPTIONS

Write 3 lines at the most in answering questions in this Part.

	yes	no	don't know
16. Do you intend to become a legislative drafter ?			

	yes	no	uncertain
17. Do you believe that you would make a good legislative drafter ?			

18. Describe your attitude towards the work of legislative drafting

(eg, do you think that it is interesting or boring, or socially important, or worthwhile, or insufficiently demanding intellectually, offering no challenge as a lawyer, etc ?).

19. How do you appraise the profession of legislative drafter ?

(eg, do you think that it receives adequate recognition by other lawyers, or the public, involves satisfying work, or it is a stepping stone to more interesting work in the public sector, or is a dead end, etc ?).

20. What is your preferred method of study ?

(eg, do you prefer lectures, seminars, personal tuition, writing essays, working on your own from text and source materials, working with a fellow student, cramming before examinations, etc ?).

21. What do you think about studying entirely from a distance training programme ?

22. Describe what you expect a distance training course in legislative drafting will involve and whether you believe that it is feasible to learn the basics of the subject in this way.

SUBJECT KNOWLEDGE

1. Legislation

23.

Previous study of -	type of study	year of study	how long	knowledge			
				very good	good	fair	poor
the form, structure and application of legislation							
statutory interpretation							

24.

	a great deal	regul- arly	occas- ionally	rarely	not at all
Have you worked with legislation -					

2. Legislative drafting

25. Have you ever drafted:	whole or part	in course of employ- ment	as part of training	alone or super- vised
a Bill				
any regulations or rules				
any other statutory instrument				
a Government order				

26. Previous study of -	type of study ¹ .	year	how long	knowledge			
				very good	good	fair	poor
your local Interpretation Act							
the drafting of preliminary provisions for a Bill							
the drafting of final provisions for a Bill							

¹. eg, University, Law School, special course, personal, etc.

	very good	good	fair	poor	none
27. Assess your present knowledge of legislative drafting					
28. Assess your present capacity to draft legislation					

PART III
PRE-PILOT TEST

Answer the following questions in the spaces provided, in no more than 3 minutes each. You should not need more than 3 lines of text for any answer. Attempt an answer even if you are uncertain as to an answer.

1. Draft a clause for inclusion in a Bill which will have the effect of bringing the Bill into force on whichever of the following dates happens first:

October 1st of this year;
the day when the Dogs Act 1993 is brought into operation.

2. In what ways might a purpose/objects clause in a Bill perform a different function from the long title ?

3. How would you describe the following clause ?

This Act does not affect or derogate from the Dogs Act 1993.

4. What, if any, is the difference in effect of the following ?

This Act applies to aircraft registered in Barbados.

This Act does not apply to aircraft registered in countries outside Barbados.

5. The following definition is to be found in a *Wild Life Protection Bill*:

"wild animal" means an animal which is or was (before it was killed or taken) living wild;

- 5.1 Tick or cross if you think that this definition does or does not extend to the following, and in the spaces provided say why:

(a) birds		
(b) fish		
(c) turtles		
(d) snakes		
(e) the eggs of any of the above		

- 5.2 Re-draft the definition so that there is no doubt that all these items are within the definition:

**PLEASE HAVE YOUR COMPLETED QUESTIONNAIRE
READY FOR COLLECTION AT THE BEGINNING
OF THE PILOT**

APPENDIX II
PILOT QUESTIONS

1. Using a scale of 1(excellent), 2(good), 3(adequate), 4(good in parts) and 5(poor), evaluate the following features of each of the Sections in the **Course Book**:

Section	Achievement of objectives (as stated in the Preview pages)	Ease of use	Topic coverage	Aid to learning drafting skills and techniques
PART I Section 1 (Interpretation)				
Section 2 (Interpretation Act)				
PART II Section 1 (Preliminary provisions)				
Section 2 (Interpretation provisions)				
Section 3 (Application provisions)				
PART III Section 1 (Final provisions)				
Section 2 (Repeals)				
Section 3 (Retrospective provisions)				

2. Using a scale of 1(just right), 2(too much/many) and 3(too little/few), evaluate the following features of **each** Section of the Course:

Section	Complex-ity of topic	Length of Sect-ion	Example Boxes		Activity Boxes		Exercise Boxes	
			Number	Frequ-ency	Number	Frequ-ency	Number	Frequ-ency
PART I Section 1 (Interpretat-ion)								
Section 2 (Interpretat-ion Act)								
PART II Section 1 (Preliminary provisions)								
Section 2 (Interpretat-ion provisions)								
Section 3 (Application provisions)								
PART III Section 1 (Final provisions)								
Section 2 (Repeals)								
Section 3 (Retrospective provisions)								

3. Using a scale of 1(too difficult), 2(demanding), 3(straight-forward),and 4(easy), evaluate **each** of the **Drafting Projects**.

Project 1 (correction of drafting errors)	
Project 2 (Interpretation Act application)	
Project 3 (analysis of "harmful waste")	
Project 4 (re-draft of "harmful waste")	
Project 5 (Captive Animals Bill)	
Project 6 (Methylated Spirit Bill)	

APPENDIX III

**COMMONWEALTH DISTANCE TRAINING COURSE IN
LEGISLATIVE DRAFTING**

POST-PILOT QUESTIONNAIRE

**Please complete this Questionnaire at the end of the
Pilot Module.**

Please enter your name:

We need your name in order to bring the Pre-pilot and the Post-pilot Questionnaires together. All your comments will be treated by the Course developers as given to them in confidence for the assessment and improvement of the Course. In reporting the results of the Pilot, none will be attributed to a named individual.

Your answers will enable us, at the end of the piloting, to assess the effectiveness of the Course. To do that, we need -

- to ask some questions about your reactions to this form of training;
- your comments and criticisms of the material in the Course.

We are repeating some of the questions in the Pre-pilot Questionnaire -

- to find out how far your views may have altered as a result of taking part in the piloting;
- to assess the progress you have made as a result of working on the Pilot Module.

If you would like to be informed when the full Course is ready, please enter your address:

PART I

PERSONAL PERCEPTIONS

Write 3 lines at the most in answering questions in this Part.

- | | yes | no | don't know |
|--|-----|----|------------|
| 1. Do you intend to become a legislative drafter ? | | | |
-
- | | yes | no | uncertain |
|--|-----|----|-----------|
| 2. Do you believe that you would make a good legislative drafter ? | | | |
3. Describe your attitude towards the work of legislative drafting
4. How do you appraise the profession of legislative drafter ?
5. What do you think about studying entirely from a distance training programme ?
6. Did the pilot meet your expectations about a distance training course in legislative drafting ?

7. To what extent do you think that it is feasible to learn the basics of legislative drafting in this way ?

PART II

SUBJECT KNOWLEDGE

1. Legislation

8. Assess your knowledge of -

the form, structure and application of legislation

statutory interpretation

very good	good	fair	poor

2. Legislative drafting

9. Assess your knowledge of -

your local Interpretation Act

the drafting of preliminary provisions for a Bill

the drafting of final provisions for a Bill

very good	good	fair	poor

10. Assess your present knowledge of legislative drafting

11. Assess your present capacity to draft legislation

very good	good	fair	poor	none

PART III

TEST

You provided answers to the following questions before the pilot began. Answer them again, in the spaces provided, in no more than 3 minutes each. You should not need more than 3 lines of text for any answer. Attempt an answer even if you are uncertain as to what it should be.

1. Draft a clause for inclusion in a Bill which will have the effect of bringing the Bill into force on whichever of the following dates happens first:

October 1st of this year;
the day when the Dogs Act 1993 is brought into operation.

2. In what ways might a purpose/objects clause in a Bill perform a different function from the long title ?

3. How would you describe the following clause ?

This Act does not affect or derogate from the Dogs Act 1993.

4. What, if any, is the difference in effect of the following ?

This Act applies to aircraft registered in Barbados.

This Act does not apply to aircraft registered in countries outside Barbados.

5. The following definition is to be found in a *Wild Life Protection Bill*:

"wild animal" means an animal which is or was (before it was killed or taken) living wild;.

- 5.1 Tick or cross if you think that this definition does or does not extend to the following, and in the spaces provided say why:

(a) birds		
(b) fish		
(c) turtles		
(d) snakes		
(e) the eggs of any of the above		

- 5.2 Re-draft the definition so that there is no doubt that all these items are within the definition:

PART IV **PILOT MODULE EVALUATION**

I. Course work

1. (a) Were you able to complete the whole Pilot ?
- (b) If not, what **Sections/Drafting Projects** did you not complete ?
- (c) If did not finish, please give your reasons (eg, insufficient time, too difficult, lost interest).

2. Using a scale of 1(excellent), 2(good), 3(adequate), 4(good in parts) and 5(poor), evaluate the following features of the Course:

Achievement of stated objectives overall	Ease of use	Topic coverage	Aid to learning drafting skills and techniques	Overall interest

3. Were any of the Sections in the **Course Book** more useful or less useful than others ? Please indicate which, and very briefly why that was so.

4. Using a scale of 1(just right), 2(too much/many) and 3(too little/few), evaluate the following features of the Course:

Complexity of subject	Length of Sections	Example Boxes		Activity Boxes		Exercise Boxes	
		Number	Frequency	Number	Frequency	Number	Frequency

5. Did you have access to your own legislation, when undertaking the various Activities ?

Yes	No

6. The objectives of the Boxes were as follows:

Example Boxes: to illustrate significant drafting points or specific difficulties that drafters need to recognise and overcome;

Activity Boxes: to encourage you to find out about particular drafting practices in your own jurisdiction;

Exercise Boxes: to enable you to test your new knowledge and to practise particular drafting techniques.

Using the scale of 1(very successful), 2(successful) and 3(not successful), evaluate the success of the Boxes in fulfilling their objectives.

Example Boxes	
Activity Boxes	
Exercise Boxes	

7. Did you find that using the Boxes made learning the topic easier or harder ?

	easier	harder
Example Boxes		
Activity Boxes		
Exercise Boxes		

II. Materials

8. Using a scale of 1(very helpful), 2(helpful) and 3(not helpful), evaluate the usefulness to your work of the following **Documents** provided in the **Materials Book**:

Document 1 (Wilson article)	
Document 2 (Driedger article)	
Document 3 (Model Interpret- action Act)	
Documents 4-13 (legislative precedents)	

9. Would you have liked more or fewer materials of these kinds ? Please make suggestions for additional or different kinds of materials.

10. List any local materials you collected for inclusion in the **Materials Book**.

III. Drafting Projects

11. For which of the six **Drafting Projects** do you feel that you produced satisfactory drafts ? Did you achieve those results before or after you had compared your work with the **Suggested Answer** ?

12. Using a scale of 1(very helpful), 2(helpful) and 3(not helpful), evaluate the usefulness to your work on the projects of the audio-commentaries and the Notes to the **Suggested Answers**.

Introductory audio-advice	
Audio-comments with the Suggested Answers	
Notes to the Suggested Answers	

13. On completing a **Project**, did you feel that you had received enough support from the instructions, the **Suggested Answer** and the audio-comment and notes ? Was enough provided to enable you to learn **independently**, without personal tuition, all that you could expect to learn from the **Project** ?

14. Have you any other comments upon the **Drafting Projects** that will make independent study more effective ?

IV. General comments

15. What changes would you make in the content or approach of this Course on the basis of your work on this Pilot Module ?

16. What improvements would you make in the presentation or organisation of the **Course Book** or the **Workbook** ? How might the instructions for using the materials and the general advice about undertaking independent study be improved ?

17. Please make any other observations about the Course which would contribute to its success.

THANK YOU VERY MUCH FOR HELPING US, BY UNDERTAKING THE
PILOT AND BY COMPLETING THIS QUESTIONNAIRE.